

A U S T I N C I T Y C O U N C I L

**AGENDA**

Thursday, December 14, 2006

+ Back Print

**Zoning Ordinances / Restrictive Covenants  
(HEARINGS CLOSED)  
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 61**

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**Subject:** C14-06-0029 - 620 North - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 15400-15402 North FM 620 (Lake Creek Watershed) from development reserve (DR) district zoning and interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading approved on November 16, 2006. Vote. 7-0. Applicant and Agent. Ali Bahrami. City Staff. Wendy Walsh, 974-7719

**Additional Backup Material**

(click to open)

- Staff\_Report
- Ordinance

**For More Information:** Wendy Walsh, 974-7719

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-06-0029

REQUEST:

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 15400 – 15402 North FM 620 (Lake Creek Watershed) from development reserve (DR) district zoning and interim rural-residence (I-RR) district zoning to community commercial (GR-CO) combining district zoning. The Conditional Overlay allows for restaurant (general) use and all neighborhood commercial (LR) uses, and 2,000 daily vehicle trips.

DEPARTMENT COMMENTS:

The Conditional Overlay incorporates the conditions imposed by the City Council at First Reading.

OWNER AND APPLICANT: Ali Bahrami.

DATE OF FIRST READING: November 16, 2006, approved GR-CO district zoning, on First Reading (7-0).

CITY COUNCIL HEARING DATE: December 14, 2006

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-06-0029

**Z.A.P DATE:** April 18, 2006  
June 6, 2006  
July 18, 2006  
August 15, 2006  
September 5, 2006

**ADDRESS:** 15400 – 15402 North FM 620

**OWNER AND APPLICANT:** Ali Bahrami

**ZONING FROM:** I-RR; DR      **TO:** CS      **AREA:** 2.157 acres

**SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning. The Conditional Overlay limits development of the property to less than 2,000 vehicle trips per day.

**ZONING & PLATTING COMMISSION RECOMMENDATION:**

April 18, 2006 *1<sup>ST</sup> MOTION: APPROVED GR-CO DISTRICT ZONING; PROHIBIT ALL AUTOMOTIVE USES, PAWN SHOPS, EXTERMINATING SERVICES & PERSONAL SERVICES, 2000 VEHICLE TRIP LIMIT*

*[K JACKSON, M HAWTHORNE 2<sup>ND</sup>] (3-4) B BAKER, C HAMMOND, T. RABAGO, J PINNELLI – NAY, S. HALE, J. MARTINEZ – LEFT EARLY  
[MOTION FAILED]*

*2<sup>ND</sup> MOTION. CONTINUED TO 06/06/06 (ZAP)*

*[M. HAWTHORNE, J PINNELLI 2<sup>ND</sup>] (7-0) J. MARTINEZ, S. HALE – LEFT EARLY*

*\* PUBLIC HEARING REMAINED OPEN,*

*\* COMMISSIONERS REQUESTED INFORMATION ON FLOOD PLAIN; WATER & WASTEWATER SERVICES FOR THE AREA; AND PROJECTION ON 620 IMPROVEMENTS*

June 6, 2006 *APPROVED A POSTPONEMENT REQUEST TO 07-18-06 (APPLICANT)*

*[J. MARTINEZ, J. PINNELLI – 2ND] (9-0)*

July 18, 2006. *APPROVED A POSTPONEMENT REQUEST TO 08/15/06 (APPLICANT)*

*[M HAWTHORNE, C. HAMMOND 2<sup>ND</sup>] (6-0) B BAKER, J MARTINEZ, J GOHIL – ABSENT*

August 15, 2006: *APPROVED A POSTPONEMENT REQUEST TO 09/05/06 (APPLICANT)*

*[J MARTINEZ, J PINNELLI 2<sup>ND</sup>] (8-0) K JACKSON – ABSENT*

September 5, 2006: 1<sup>ST</sup> MOTION: APPROVED STAFF'S RECOMMENDATION FOR LR-CO DISTRICT ZONING

[K. JACKSON, C. HAMMOND 2<sup>ND</sup>] (4-3) B. BAKER, J. PINNELLI, S. HALE – NAY,  
[MOTION FAILED]

2<sup>ND</sup> MOTION: MOTION MADE TO MAINTAIN DR DISTRICT ZONING AND ZONE THE I-RR PORTION TO DR

[B. BAKER, J. MARTINEZ 2<sup>ND</sup>] (5-2) S. HALE, K. JACKSON – NAY, T. RABAGO – OFF DAIS; J. SHIEH – ABSENT

### **ISSUES:**

The Applicant would like to discuss the Zoning and Platting Commission recommendation

At the April 18<sup>th</sup> ZAP meeting, the Commission requested that additional information be provided on transportation, water / wastewater, and floodplain issues

*Transportation:* The subject tract is about 3,000 feet from the intersection of SH 45 at RM 620, and at this time, work on SH 45 is currently underway. SH 45 will be a toll facility with the connection to RM 620 occurring as an overpass. SH 45 will have main lanes and frontage roads. A connection to RM 620 east of the proposed SH 45 will remain as a signalized intersection under the overpass. Please refer to Exhibit A-4 for a schematic of the area depicting this connection.

*Water / Wastewater.* City water and wastewater lines presently terminate in the Davis Springs area, located more than 1 1/2 miles north and west of the subject property, near the intersection of FM 620 and Parmer Lane. The City does not have plans to extend utility services unless the rezoning area and surrounding area along FM 620 is annexed into the Full-Purpose jurisdiction and full funding is in place that allows for the City to extend this infrastructure. Alternately, it is possible for landowners to extend the infrastructure at their own expense. Brushy Creek MUD (within the County and located to the north and east) purchases water and wastewater services at wholesale prices from the City of Round Rock.

*Flood Plain:* Exhibits A-2 and A-3 show that the 100-year flood plain is located west of this tract and affects the first several lots within the Oak Park subdivision.

### **DEPARTMENT COMMENTS:**

The subject rezoning area consists of two tracts containing pottery sales, used auto sales and a manufactured home and has been in the limited purpose jurisdiction since 1984. Both tracts take access to FM 620 and have development reserve (DR) and interim – rural residence (I-RR) district zoning. This property is situated at the edge of the City limits: there are undeveloped lots and single family residences within the Oak Park subdivision to the west (DR; County) and to the east there are mini-warehouses, undeveloped property, and a fence company (County). On the south side of FM 620 there is the Robinson Ranch PUD.

including a segment of SH 45, as well as an existing pet clinic, single family residences, a skating rink and a church. Please refer to Exhibits A (Zoning Map) and A-I (Aerial View)

The Applicant proposes general commercial services (CS) zoning in order to accommodate redevelopment of the property for retail and restaurant uses. The Staff recognizes the property's location along an arterial roadway and proximity to the FM 620 / SH 45 intersection, however, it is not located at a corner and furthermore, is located adjacent to an established single family residential neighborhood on Shady Lane. Therefore, Staff recommends neighborhood commercial (LR) zoning to balance its location on a major thoroughfare and provide compatibility and potentially services to the existing residences in the area. LR zoning would allow for general retail sales – convenience (the sale of commonly used personal or household items) and limited restaurant (retail sale of food and beverages, limited to 3,000 square feet if adjacent to residences, and excludes the sale of alcoholic beverages), but does not permit retail sales (general) or general restaurant. The Conditional Overlay calls for a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

**EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b>     | <b>LAND USES</b>   |
|--------------|-------------------|--|
| <i>Site</i>  | I-RR; DR          | Pottery sales (retail sales – general); Auto sales, Manufactured home                                |
| <i>North</i> | DR; N/A (County)  | Single family residences within the Oak Park subdivision, Woods of Brushy Creek subdivision          |
| <i>South</i> | PUD, N/A (County) | Robinson Ranch (presently undeveloped), Pet services, Single family residences; Skating rink, Church |
| <i>East</i>  | N/A (County)      | Convenience storage; Undeveloped, Fence company  |
| <i>West</i>  | DR, N/A (County)  | Two undeveloped lots and single family residences within the Oak Park subdivision; Garage            |

**AREA STUDY:** N / A

**TIA:** Is not required

**WATERSHED:** Lake Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

604 – Davis Spring HOA

701 – Avery Ranch Neighborhood Association

**SCHOOLS:**

The subject property is within the Round Rock ISD

**CASE HISTORIES:**

| NUMBER   | REQUEST   | COMMISSION  | CITY COUNCIL                            |
|--|---|---|---|
| C814-04-006<br>(Robinson Ranch – City initiated) | DR; I-RR<br>LI-PDA to<br>PUD on<br>6,058 acres<br>of land | Approved PUD with conditions including the recommendations of the Environmental Board | Approved PUD with conditions (6-17-04). |

**RELATED CASES:**

The property was annexed into the Limited Purpose Jurisdiction in 1984.

**ABUTTING STREETS:**

| Name   | ROW         | Pavement | Classification | Sidewalks | Bus Route | Bike Route |
|--------|-------------|----------|----------------|-----------|-----------|------------|
| RM 620 | 100<br>feet | 60 feet  | Major Arterial | No        | No        | No         |

**CITY COUNCIL DATE:** November 2, 2006

**ACTION:** Approved a Postponement request by the Applicant to November 16, 2006 (5-0, McCracken, Kim – off the dais).

November 16, 2006

Approved GR-CO district zoning with restaurant (general) being the only permitted use, all LR district uses, and 2,000 trips, on 1<sup>st</sup> Reading (7-0).

December 14, 2006

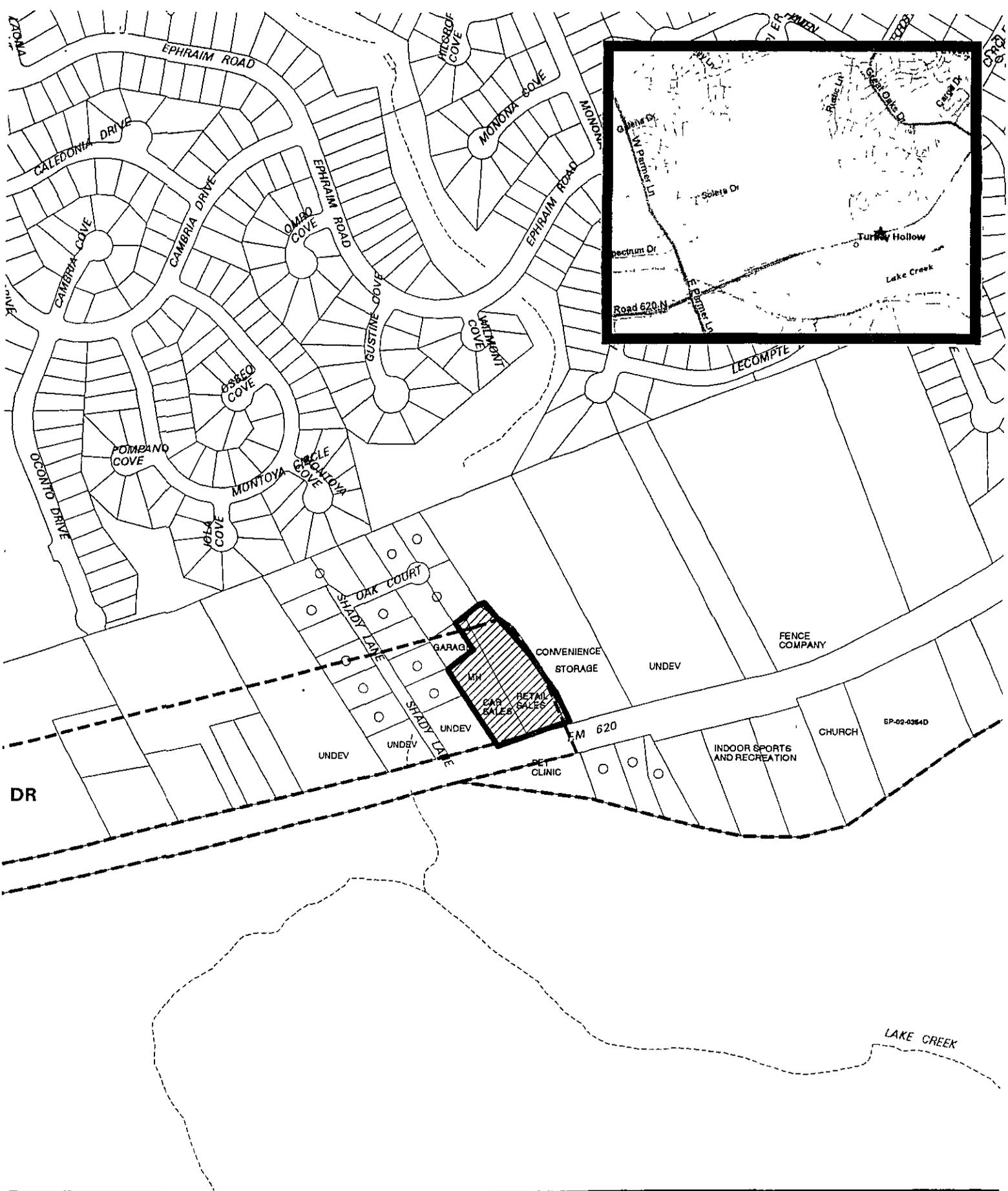
**ORDINANCE READINGS:** 1<sup>st</sup> November 16, 2006 2<sup>nd</sup>

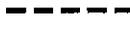
3<sup>rd</sup>

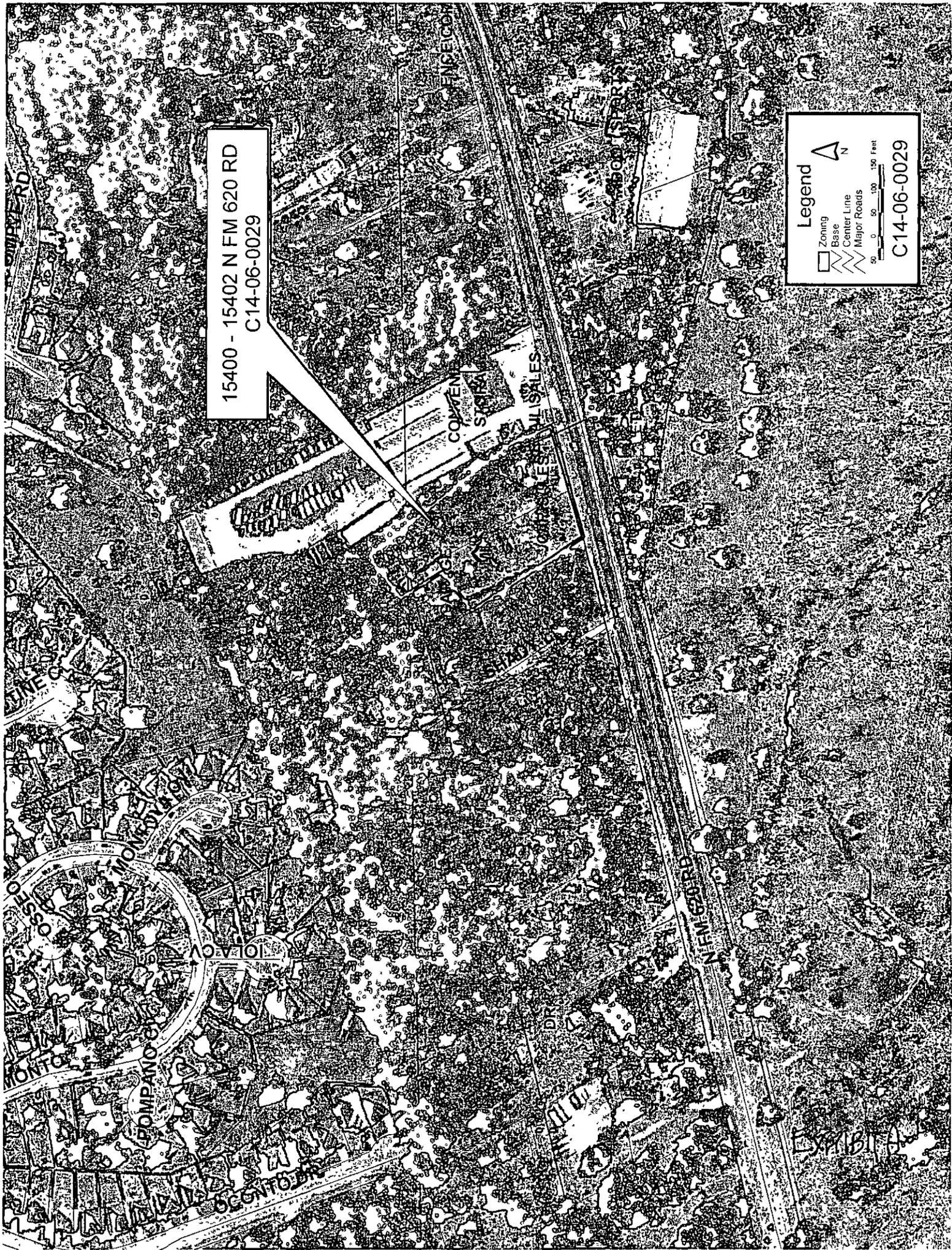
**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Walsh  
e-mail wendy.walsh@ci.austin.tx.us

**PHONE:** 974-7719



|  |  |                         |   |
|--|--|-------------------------|---|
| <br>1" = 400'       | SUBJECT TRACT<br> | <b>ZONING EXHIBIT A</b> | CITY GRID<br>REFERENCE<br>NUMBER<br>J40 |
|  | PENDING CASE<br>  |                         |   |
| ZONING BOUNDARY<br> | ADDRESS 15400 - 15402 N FM 620<br>RD   | DATE 06-04              | INTLS SM                                |
| CASE MGR: W WALSH  | SUBJECT AREA (acres) 2.157   |                         |   |



15400 - 15402 N FM 620 RD  
C14-06-0029

**Legend**

- Zoning
- Base
- Center Line
- Major Roads

0 50 100 150 Feet

C14-06-0029

E

OAKCOT

7

7

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11

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4

4

3

3

2

2

CONVENIENCE

STORAGE

RETAIL SALES

CAR SALES

PETICLINIC

GARAGE

MH

UNDEV

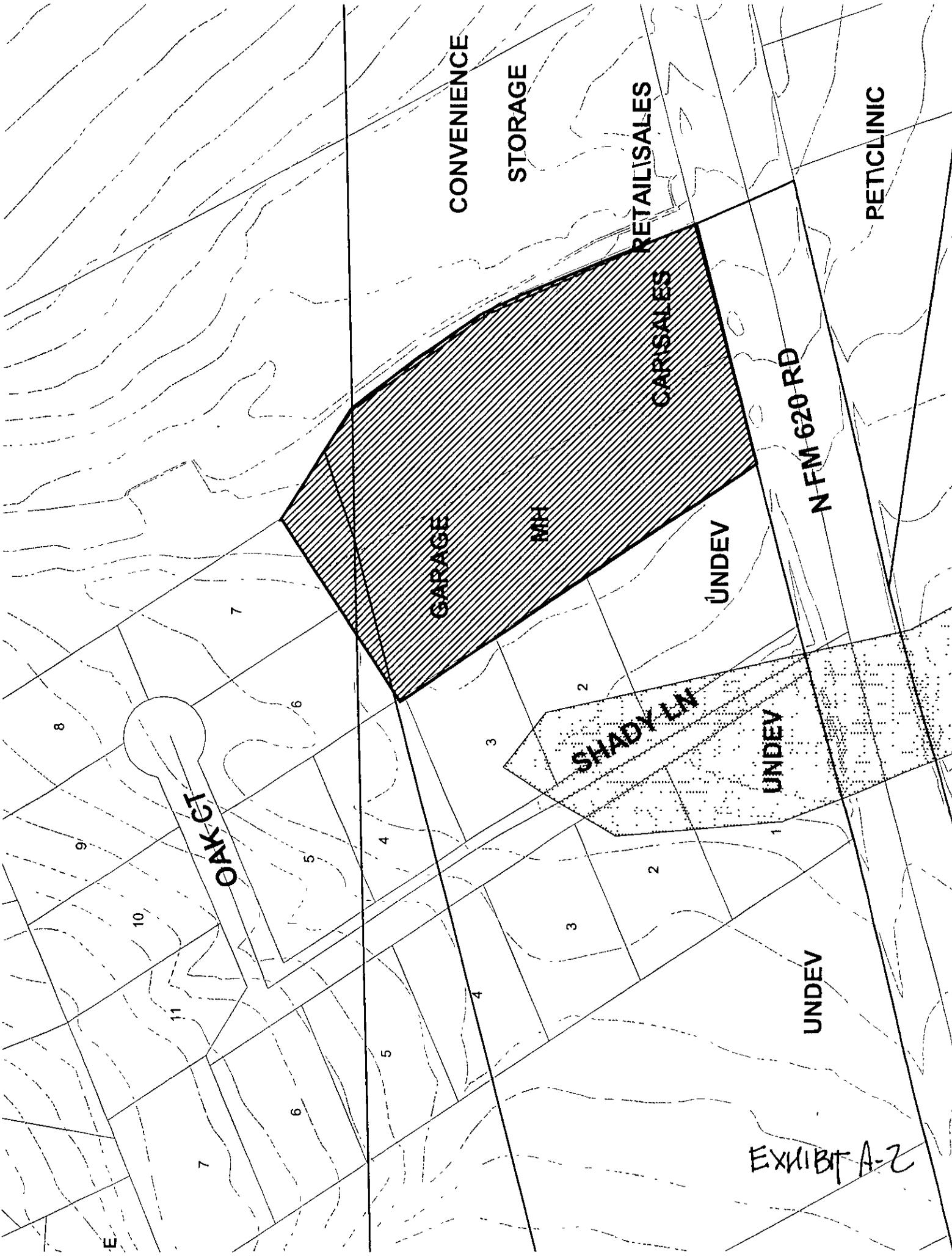
SHADY LN

UNDEV

UNDEV

N FM 620 RD

EXHIBIT A-2



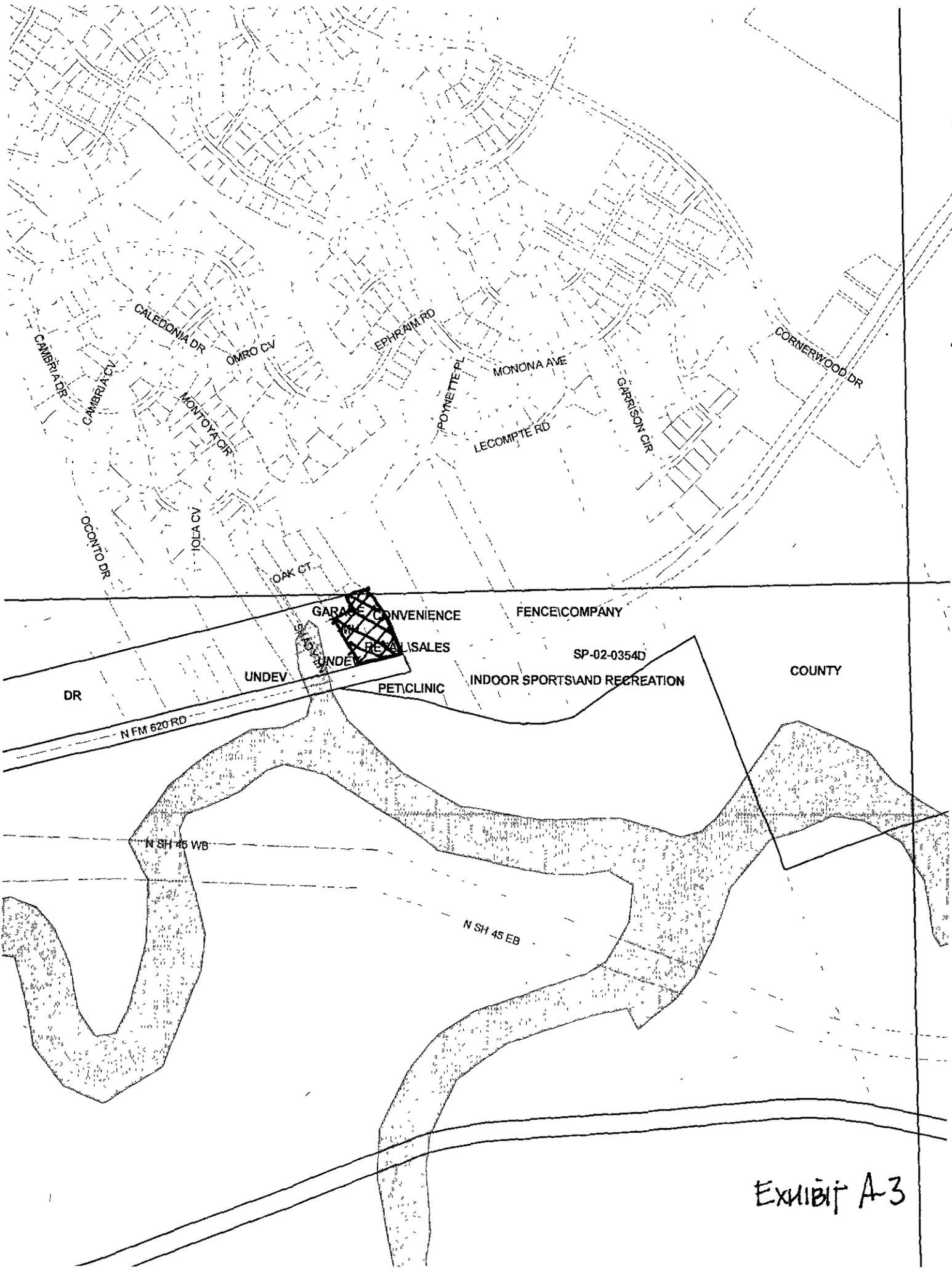
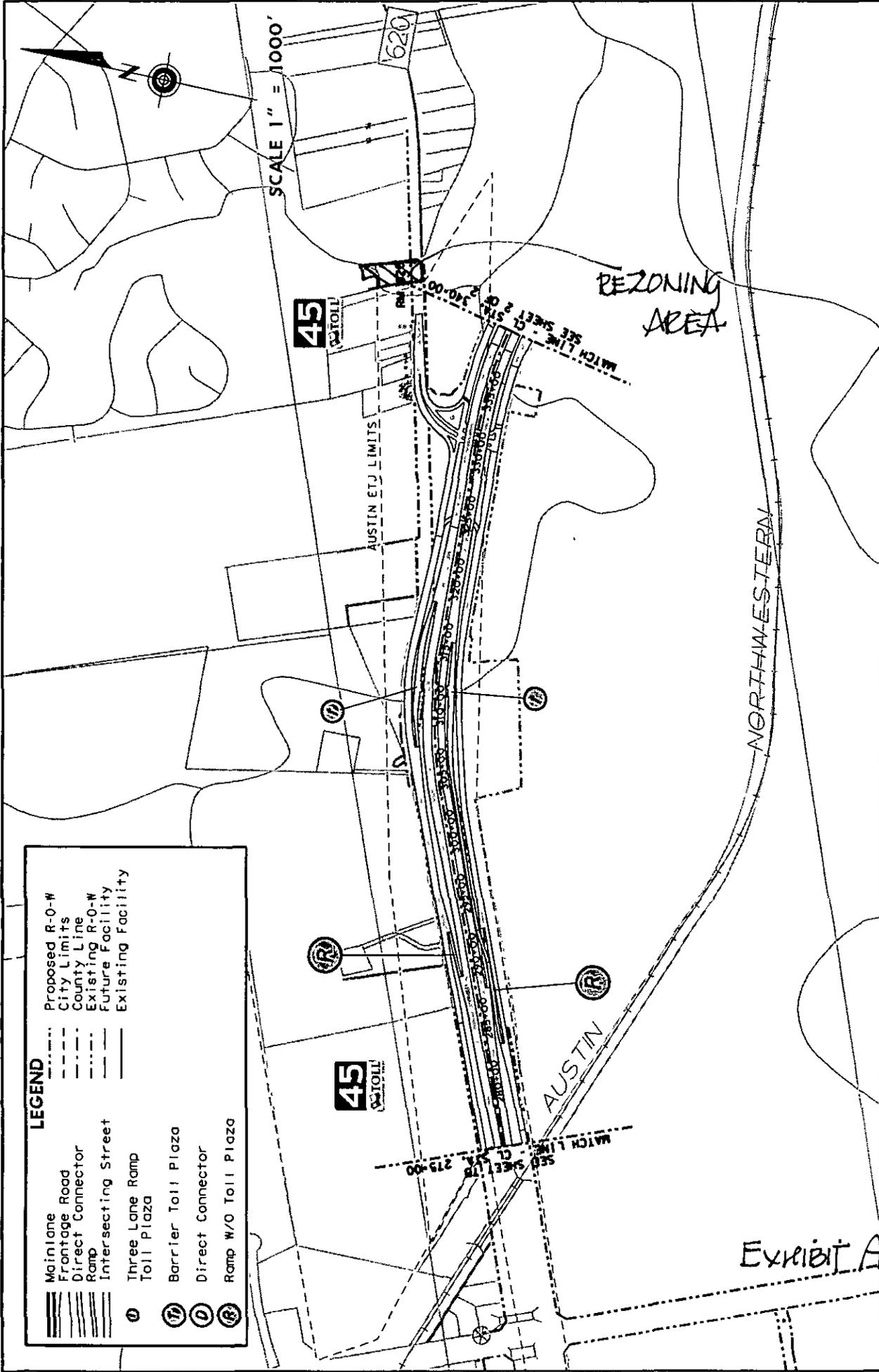


EXHIBIT A-3

| LEGEND |                     |
|--------|---------------------|
|        | Mainline            |
|        | Frontage Road       |
|        | Direct Connector    |
|        | Ramp                |
|        | Intersecting Street |
|        | Three Lane Ramp     |
|        | Toll Plaza          |
|        | Barrier Toll Plaza  |
|        | Direct Connector    |
|        | Ramp W/O Toll Plaza |
|        | Proposed R-O-W      |
|        | City Limits         |
|        | County Line         |
|        | Existing R-O-W      |
|        | Future Facility     |
|        | Existing Facility   |



**SH45 SECTION 7A (Sheet 1 of 2)**  
**FROM STA. 275+00 TO STA. 398+50**

Texas Department of Transportation  
 TEXAS TURNPIKE AUTHORITY DIVISION  
 Turner Collier & Braden Inc.  
 ENGINEERS • PLANNERS • PROJECT MANAGERS



EXHIBIT A-4

**SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning. The Conditional Overlay limits development of the property to less than 2,000 vehicle trips per day.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities.

The GR, Community Commercial district is intended for an office or other commercial use that serves neighborhood and community needs and is generally accessible from major traffic ways.

The neighborhood commercial (LR) district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

- 2. Zoning changes should promote an orderly and compatible relationship among land uses.*

The property is located along an arterial roadway and in proximity to the FM 620 / SH 45 intersection, however, it is not located at a corner and furthermore, is located adjacent to an established single family residential neighborhood on Shady Lane. Staff recommends neighborhood commercial (LR) zoning to balance its location on a major thoroughfare and provide compatibility and potentially services to the existing residences in the area. The Conditional Overlay calls for a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

## EXISTING CONDITIONS

### Site Characteristics

The rezoning area is developed with a retail sales (general) use, automotive sales use and a manufactured home, and is moderately wooded. There appear to be no significant topographical constraints on the site.

### Impervious Cover

The maximum impervious cover allowed by the CS, GR or LR zoning district would be 80%, which is based on the more restrictive zoning regulations.

### Environmental

The site is located over the northern Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Lake Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

| <i>Development Classification</i>                | <i>% of Net Site Area</i> | <i>% with Transfers</i> |
|--|---------------------------|-------------------------|
| Single-Family<br>(minimum lot size 5750 sq. ft.) | 50%                       | 60%                     |
| Other Single-Family or Duplex                    | 55%                       | 60%                     |
| Multifamily                                      | 60%                       | 70%                     |
| Commercial                                       | 80%                       | 90%                     |

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

**Transportation**

The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for RM 620. Dedication of additional right-of-way may be required during the subdivision or site plan process. [LDC, Sec 25-6-51 and 25-6-55)

The trip generation under the requested zoning is estimated to be 10,233 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day [LDC, 25-6-117]

**Water and Wastewater**

The landowner intends to serve the site with an on-site well and septic system.

**Compatibility Standards**

Along the west property line, the following standards apply:

- No structure may be built within 25 feet of the property lines
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least of 5 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

Ali Bahrami  
P O BOX 200991  
Austin, Texas 78720  
512-560-1550

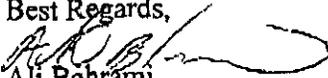
Re: C14-06-0029  
Sub: 15400-15402 RM 620 N.  
Austin, Texas 78717

To: Zoning and Platting Commission

The application for zoning change from Development Reserve (DR) to Commercial Services (CS) is with intention of opening a small neighborhood Restaurant and Bar (<2500 FT SQ) as portion of a neighborhood shopping center. The average daily traffic volume for 2005 was 36,400 per RM 620 corridor study conducted by Williamson county and the proposal of changing the four (4) lanes to six (6) lanes based on the public meetings held on 6-18-05, due to projected traffic growth (attached).

I understand the residential neighborhood is located directly behind the subject property and set backs can be imposed adjacent to the residents on the west and north side of the property.

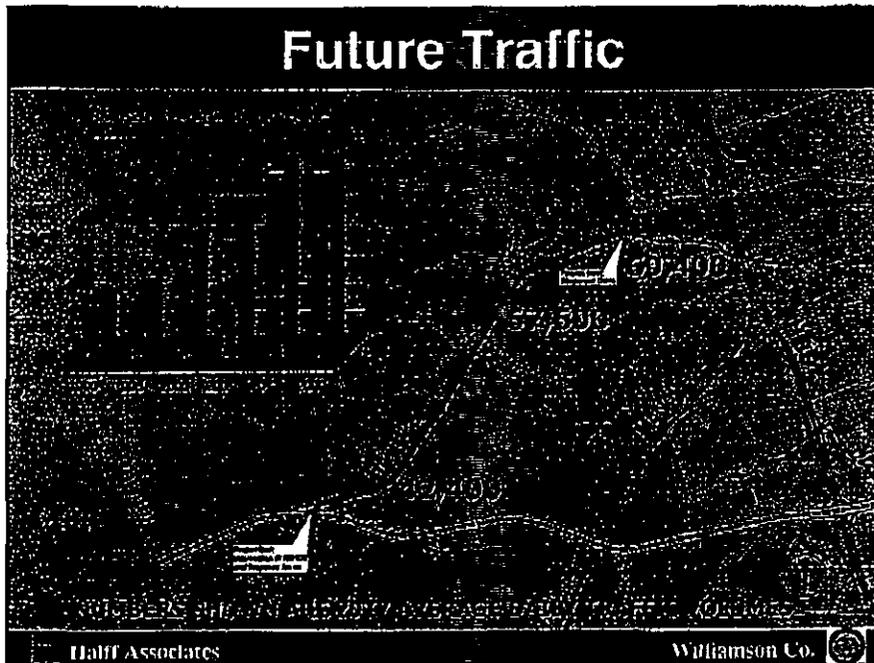
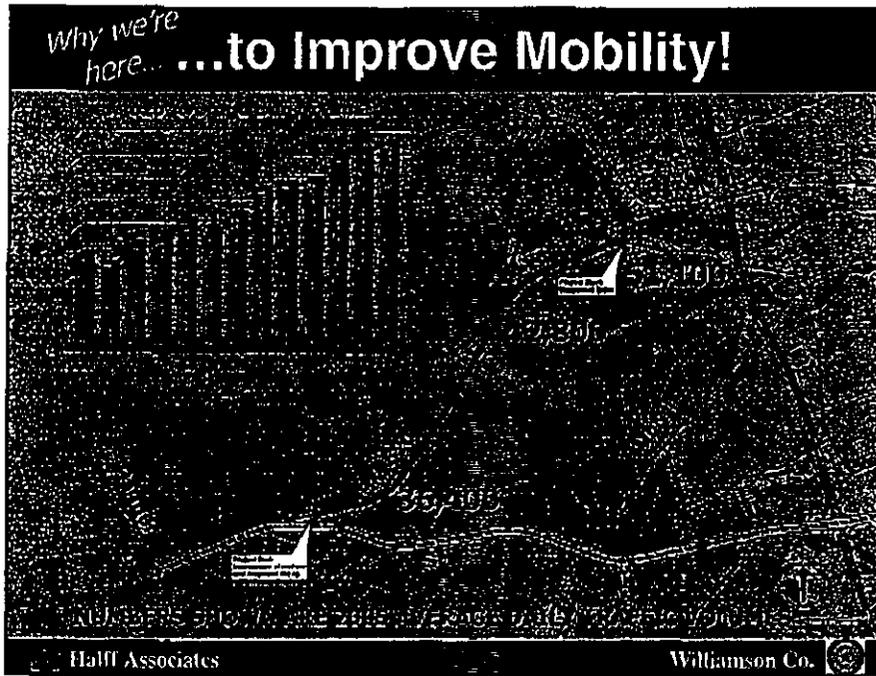
Best Regards,

  
Ali Bahrami

4-12-06

|                              |              |         |             |            |   |
|------------------------------|--------------|---------|-------------|------------|---|
| NATURE SAVER™ FAX MEMO 01818 |              | Date    | 4-12-06     | # of pages | 4 |
| To                           | MS. W. WALSH | From    | Ali BAHRAMI |            |   |
| Co./Dept                     |              | Co.     |             |            |   |
| Phone #                      | 974-7719     | Phone # | 560-1550    |            |   |
| Fax #                        | 974-6054     | Fax #   |             |            |   |

RM 620 CORRIDOR STUDY  
FROM SH 45 TO DEEP WOOD DR.  
JULY 18, 2005 PUBLIC MEETING



RM 620 CORRIDOR STUDY  
FROM SH 45 TO DEEP WOOD DR.  
JULY 18, 2005 PUBLIC MEETING

## Existing RM 620



**EXISTING 4 LANE SECTION**

- Existing 4 Lane Major Arterial Undivided (MAU 4)
- CAMPO 2030 Transportation Plan –  
6 Lane Major Arterial Divided (MAD 6)
- Existing 100' To 125' Right-of-way (ROW) With  
Partial Flush Median And Open Drainage

Hall Associates Williamson Co.

## RM 620 Alternatives **DRAFT**



**(A) EXISTING 4 LANE WITH FLUSH MEDIAN (NO-BUILD ALTERNATIVE)**



**(B) 6 LANE SECTION WITH FLUSH MEDIAN (ADD TURN LANES ONLY)**

Hall Associates Williamson Co.



RM 620 CORRIDOR STUDY  
 FROM SH 45 TO DEEP WOOD DR.  
 JULY 18, 2005 PUBLIC MEETING

## RM 620 Alternatives DRAFT

C

GRADE RAISED MEDIAN / CLOSED DRAINAGE - 200' ROW

D

GRADE RAISED MEDIAN / OPEN DRAINAGE - 200' ROW

E

BUSIEST BUS MEDIAN / CLOSED DRAINAGE - 200' ROW

F

BUSIEST BUS MEDIAN / OPEN DRAINAGE - 200' ROW

Hall Associates
Williamson Co.

## Comparing Alternatives

- Safety Improvements
- Mobility Benefits
- Environmental Effects
- Social & Economic Effects
- Cost Effectiveness & Affordability
- Compatibility with Other Projects

| Major Negative Effect | Some Negative Effect | No Effect, Neutral | Some Positive Effect | Major Positive Effect |
|-----------------------|----------------------|--------------------|----------------------|-----------------------|
| --                    | -                    | 0                  | +                    | ++                    |

Hall Associates
Williamson Co.



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number:** C14-06-0029

**Contact:** Wendy Walsh, (512) 974-7719

**Public Hearing:**

April 18, 2006 Zoning and Platting Commission

Robert (Bob) M. Mann

Your Name (please print)

15303 Shady Lane, Austin, Texas 78717

Your address(es) affected by this application

Robert M Mann

Signature

4-14-06

Date



Comments

The property at 15400-15402 N FM 620 directly adjoins our property and home at 15303 Shady Lane. We are Lot 2 Block 1 OPS, a subdivision in Williamson County (WC), according to the map/plat of record in Vol 4, Page 85, Plat Records of WC. This property adjacent on FM 620 consisted of only a rural residence until approximately two years CS zoning unit such time that adequate water/wastewater services and water controls can be present. Development would require on site wastewater treatment system(s) in a critical area already with numerous adjacent water wells serving as the only water supplies for existing homes. Sometime in the next five years a plan to upgrade FM620 will be drafted and implemented by Williamson County and TxDOT. Until that time, development along this area of FM620 is premature and provides challenges to WC, road construction firms, existing property owners, and area citizens who travel FM620. Again, we plead that the City of Austin not encourage development by zoning change until better services and transportation avenues are present.

Cell (512) 560-8019

Thank you

Robt ( Bob )M Mann Rumala

Oak Park Neighborhood Representative for all 10 homeowners in OPS adjacent to the subject tract at 15400/15402 N FM 620

## Walsh, Wendy

---

**From:** Walsh, Wendy  
**Sent:** Tuesday, July 18, 2006 9 13 AM  
**To:** 'ali@rremco.com'  
**Subject:** RE C14-06-0029

Mr. Bahrami,

Please let me know which ZAP date in August - the 1st or the 15th - that you would like to request a postponement and provide the reason for seeking a postponement

Thank you,  
Wendy Walsh

-----Original Message-----

From: ali@rremco.com [mailto:ali@rremco.com]  
Sent: Monday, July 17, 2006 9:17 AM  
To: Walsh, Wendy  
Subject: RE: C14-06-0029

Dear Ms. Walsh,

I would like to postpone the Zoning and Platting of C14-06-0029 scheduled for 7-18 to August. If you have questions or need additional info. please feel free to contact me.

Best regards,  
Ali  
560-1550

> Dear Mr. Bahrami,  
>  
> After our discussion of this case on the phone, I am writing to confirm  
> that the Applicant has requested a postponement to the Zoning and  
> Platting Commission meeting of July 18th  
>  
> Wendy  
>  
> -----Original Message-----  
> From: ali@rremco.com [mailto:ali@rremco.com]  
> Sent: Tuesday, June 06, 2006 1 18 PM  
> To: Walsh, Wendy  
> Subject: C14-06-0029  
>  
> Hello Ms. Walsh,  
> I would like to postpone the Zoning and Platting commission meeting  
> scheduled for today (case number C14-06-0029) for 30 days. If you have  
> questions or need additional information please feel free to contact me  
>  
> Best Regards,  
> Ali Bahrami  
> 512-560-1550  
>

**7. Rezoning: C14-06-0029 - 620 North**  
 Location: 15400 - 15402 North FM 620, Lake Creek Watershed  
 Owner/Applicant: Ali Bahrami  
 Postponements: Continued on 4/18/06 (ZAP); Postponed on 6/6/06 (applicant),  
 Postponed on 7/18/06 (applicant); Postponed on 8/15/06 (applicant)  
 Request: I-RR, DR to CS  
 Staff Rec: **Recommendation of LR-CO**  
 Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

***1<sup>ST</sup> MOTION: APPROVED STAFF'S RECOMMENDATION FOR LR-CO DISTRICT ZONING.***

***[K.JACKSON, C.HAMMOND 2<sup>ND</sup>] (4-3) B.BAKER, J.PINNELLI, S.HALE - NAY; {MOTION FAILED}***

***2<sup>ND</sup> MOTION: MOTION MADE TO MAINTAIN DR DISTRICT ZONING AND ZONE THE I-RR PORTION TO DR.***

***[B.BAKER, J.MARTINEZ 2<sup>ND</sup>] (5-2) S.HALE, K.JACKSON - NAY; T.RABAGO - OFF DAIS; J.SHIEH - ABSENT***

### SUMMARY

*Wendy Walsh, staff, gave staff presentation to the commission*

*Commissioner Baker - Requested maps or a display that showed roadway improvements*

*Ms. Walsh - I do not have any maps today, but Exhibit A-4 shows the lanes on 620, going through the Robinson Ranch property.*

*Commissioner Baker - Is it elevated at this location?*

*Commissioner Jackson - No it's not elevated.*

*Ms Walsh - At this location it will just be at grade, there is an overpass at the intersection of 620.*

*Commissioner Baker - I'm looking at 140-feet of right-of-way, so we don't even know where his front property line is, do we? Or is it 140-feet from the center line? . . . There's a lot that's sort of hanging. . . Okay (sigh)*

*Ali Bahrami - I'm the owner and applicant on this property; the property is located directly on 620, which is a major artery to SH-45 and I am applying for CS zoning, based on the number of the traffic in that area.*

*Commissioner Baker - What are your immediate plans for this area?*

*Mr. Bahrami – Depending on the zoning to develop it as a shopping center or depending on any recommendation from this commission*

*Commissioner Baker – What are the uses on this tract?*

*Ms Walsh – There is a pottery sales, used auto sales and a manufactured home presently on this tract.*

*Commissioner Baker – You have uses now that are far greater and more permissive than you probably are going to be able to get with zoning; we do not know, staff does not know where your actual property line will be, the contour of the roadway, when utilities will be available to this site; you can continue what you're doing, except for the outdoor storage for 10-years. Hopefully, by then there will be a roadway, some utilities, and full purpose annexation. If you look at the Land Development Code right now, it would tell us the definition of development reserve, which is the zoning that you currently have; and that is land that is not ready for development*

*Commissioner Jackson – I don't understand, it's on 620 as it exists today.*

*Commissioner Baker – As it is today and he can continue these uses for 10 more years.*

*Commissioner Jackson – He's got 620 frontage in front, he's got highway frontage and if we look at the exhibit, the improvements are taking place to the east of his property, not directly in front of his property, although he doesn't have the utilities, water and sewage*

*Commissioner Hammond – Mr Bahrami, are you paying City taxes yet?*

*Mr. Bahrami – No sir and I do not get any City services either.*

### FAVOR

*No speakers*

### OPPOSITION

*Sue Mann, resident in the area – The major reason that we're opposed is because it is such a small piece of property that he owns and is oddly shaped. It is directly behind a line of homes that are self sustaining with their own wells and their own septic tanks. We feel that any type of use of this land is going to be large enough to produce a lot of wastewater that has to be treated and disposed of on the property. We are directly adjacent to it and most of our wells are very close to his line. I think it was said that his proposed plan was to make a restaurant at this location. Please delay zoning on this until municipal wastewater is provided to the area for everyone.*

### REBUTTAL

*No Rebuttal was made by the applicant.*

*Mr Bahrami – At one time I did have someone who wanted to build a restaurant, but at this point I do not anymore That was the intention initially. There are no immediate plans*

*Commissioner Martinez and Hale moved to close the public hearing.*

*Commissioner Martinez – I make a motion to deny the zoning request*

*Commissioner Pinnelli – Second.*

*Commissioner – It's DR and not I-DR?*

*Ms. Walsh – There is DR on most of the site; then there is I-RR for small corner, at the north east side of the site*

*Commissioner Baker – Commissioner, would you like to amend your motion to deny the requested zoning and to zone the I-RR portion to DR?*

*Commissioner Martinez – Yes, I'll amend it.*

*Commissioner Pinnelli – I'm okay with that*

*Commissioner Jackson – I know we're zoning it DR because he doesn't have water and sewer, but we have a gentleman who owns property, who has the right to come in and ask for a rezoning. I don't think it's appropriate when the City has taken the action to annexing in. for us to say, "because the City won't deliver water and sewer services, we won't give him zoning". However, I don't agree with his request for CS, but I think that any of us can make a case that LR is an appropriate use along the frontage of 620; so my substitute motion would be to zone this tract LR*

*Commissioner Hammond – I'll second the substitute motion I share Commissioner Jackson's comments about the annexation issue, but I also understand the neighborhood's concerns This strip of 620 is going to change sooner than later*

*Commissioner Gohil – Will he be complying with his current uses, if we give him LR?*

*Commissioner Jackson – Probably not.*

*Commissioner Pinnelli – Where he would be if we left it the way it was.*

*Commissioner Jackson – No, he's not compliant there either, he can continue the use the same way today.*

*Commissioner Baker – His current uses were existing prior to annexation, which make them legal.*

*Commissioner Jackson – Whether we change the zoning or not, I think he can keep the uses that he's got today; we cannot fix that problem.*

*Commissioner Hale asked for clarification on the motion*

*Discussion continued between the commissioners regarding LR zoning and what would be allowed in LR.*

*Commissioner Baker – Am I looking at Page A-7/9 correctly? If so, does the big highway miss it?*

*Commissioner Jackson – The intersection of SH-45 and 620, misses it. It's an improved roadway today, it's a 4-lane roadway today and you can drive on it; it's right in front of his property. If you remember, we put downtown Austin (Robinson Ranch) across the street; we've already zoned that to more intensive than the Central Business District in Austin. It is completely unfettered with any restrictions.*

*Commissioner Baker – Does everyone understand the motion for LR-CO, limiting the trips to 2000 vehicle trips.*

*Motion failed with a vote of 4-3.*

*Commissioner Baker – Let's go back to the first motion, which was to deny the request and leave it DR and zone the I-RR portion to DR.*

*Motion carried (5-2)*

|                     |   |
|---------------------|---|
| <b>8. Rezoning:</b> | <b>C14-06-0135 - Private Mini Storage</b>   |
| Location:           | 604 and 700 Corral Lane; 7116 South IH-35 Service Road<br>Southbound, South Boggy Creek Watershed |
| Owner/Applicant:    | Amy Trost and Christopher Masey; DL Case Investments, Inc.<br>(Daniel Case)                       |
| Agent:              | Lopez-Phelps & Associates, L.L.C (Amelia Lopez-Phelps)  |
| Postponements:      | Postponed on 8/1/06 (staff & applicant)   |
| Request:            | SF-2; SF-3 to CS  |
| Staff Rec :         | <b>Not recommended.</b>   |
| Staff:              | Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us<br>Neighborhood Planning & Zoning Department   |

***POSTPONED TO 09/19/06 (NEIGHBORHOOD)  
[J.MARTINEZ, J.PINNELLI 2<sup>ND</sup>] (8-0) J.SHIEH – ABSENT***

## Walsh, Wendy

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**From:** ali@rremco.com  
**Sent:** Wednesday, November 01, 2006 12:06 PM  
**To:** Walsh, Wendy  
**Subject:** C14-06-0029

City of Austin Mayor and council members;

I would like to postpone the subject case scheduled for 11-02-06 to 11-16-06 due to unexpected out of town travel, thank you.

Best regards,  
Ali Bahrami

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE  
2 PROPERTY LOCATED AT 15400-15402 NORTH FM 620 AND REZONING AND  
3 CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR)  
4 DISTRICT AND DEVELOPMENT RESERVE (DR) DISTRICT TO COMMUNITY  
5 COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.  
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
8

9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
10 change the base district from interim rural residence (I-RR) district and development  
11 reserve (DR) district to community commercial conditional overlay (GR-CO) combining  
12 district on the property described in Zoning Case No. C14-06-0029, on file at the  
13 Neighborhood Planning and Zoning Department, as follows:  
14

15 A 2.157 acre tract of land, more or less, out of the T.P. Davy Survey, Abstract No.  
16 169 in Williamson County, the tract of land being more particularly described by  
17 metes and bounds in Exhibit "A", incorporated into this ordinance (the "Property"),  
18

19 locally known as 15400-15402 North FM 620, in the City of Austin, Williamson County,  
20 Texas, and generally identified in the map attached as Exhibit "B".  
21

22 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
23 established by this ordinance is subject to the following conditions:  
24

25 1. A site plan or building permit for the Property may not be approved, released, or  
26 issued, if the completed development or uses of the Property, considered cumulatively  
27 with all existing or previously authorized development and uses, generate traffic that  
28 exceeds 2,000 trips per day.  
29

30 2. The following uses are conditional uses of the Property:  
31

- |   |                               |
|---|-------------------------------|
| 32 Community recreation (private)                               | Community recreation (public) |
| 33 Congregate living  | Group home, Class II          |
| 34 Hospital services (limited)                                  | Residential treatment         |
| 35 Medical offices (exceeding 5000 sq. ft. of gross floor area) |                               |
- 36  
37

3. The following uses are prohibited uses of the Property:

- |                             |  |
|-----------------------------|--|
| Automotive rentals          | Automotive repair services             |
| Automotive sales            | Automotive washing (of any type)       |
| Bail bond services          | Business or trade school               |
| Business support services   | Commercial off-street parking          |
| Communications services     | Drop-off recycling collection facility |
| Exterminating services      | Food preparation                       |
| Funeral services            | General retail sales (general)         |
| Hospital services (general) | Hotel-motel                            |
| Indoor entertainment        | Indoor sports and recreation           |
| Outdoor entertainment       | Outdoor sports and recreation          |
| Pawn shop services          | Personal improvement services          |
| Research services           | Theater                                |

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006.

**PASSED AND APPROVED**

\_\_\_\_\_, 2006

Will Wynn  
Mayor

**APPROVED:**

David Allan Smith  
City Attorney

**ATTEST:**

Shirley A. Gentry  
City Clerk

FIELD NOTES FOR  
2.157 ACRES OF LAND

FIELD NOTES FOR 2 157 ACRES OF LAND, MORE OR LESS, BEING OUT OF THE T.P. DAVY SURVEY, ABSTRACT NO. 169, IN WILLIAMSON COUNTY, TEXAS, BEING FURTHER DESCRIBED AS A PORTION OF THREE (3) TRACTS OF LAND CONVEYED TO ALI M. BAHRAMI IN DOCUMENT NO. 2001067690 OF REAL PROPERTY RECORDS OF WILLIAMSON COUNTY, TEXAS.

BEGINNING at a broken concrete highway department monument, found, being located on the North R.O.W. line of RM Road 620 North and being the Southwest corner of a 4 418 acre tract of land recorded as Document No 199981462 of the Official Records of Williamson County, Texas and being the Southeast corner of Subject Tract,

Thence along the North R.O.W. line of RM 620 North three (3) courses and distances :

(1) S 77-11-23 W , for a distance of 37 97 feet, to an iron pin, found, being the Southwest corner of Tract 3 and Southeast corner of Tract 2;

(2) S 76-37-15 W , for a distance of 86.14 feet, to a iron pin, found , being the Southwest corner of Tract 2 and Southeast corner of Tract 1;

(3) S 76-35-56 W , for a distance of 119.58 feet, to an iron pin, found, being the Southeast corner of Lot 1, Block 1 of "Oak Park Subdivision", a subdivision in Williamson County, Texas, of record in Plat Cabinet B at Slide 65 of the Plat Records of Williamson County, Texas, and being the Southwest corner of Subject Tract,

THENCE N 27-51-31 W leaving the North R.O.W. line of RM Road 620 North and traveling along the East line of the aforementioned Lot 1, Block 1, for a distance of 199 28 feet, to an iron pin, found, being the Northeast corner of the aforementioned Lot 1, Block 1 and being the Southeast corner of Lot 2, Block 1, of the aforementioned subdivision, "Oak Park Subdivision";

THENCE N 27-02-21 W along the East line of the aforementioned Lot 2, Block 1, for a distance of 96.09 feet, to an iron pin, found, being the Southwest corner of 0 2475 acre tract of land recorded as Document No 9840298 of the Official Records of Williamson County, Texas and being the Northwest corner of Tract 1,

THENCE N 58-14-12 E along the South line of the aforementioned 0.2475 acre tract of land, for a distance of 103.96 feet, to an iron pin, found, in the West line of Tract 2, being the Southeast corner of the aforementioned 0 2475 acre tract and being the Northeast corner of Tract 1 ,

THENCE N 28-02-57 W along the East side of the aforementioned 0.2475 acre tract, for a distance 103.79 feet, to an iron pin, found, being the Northeast corner of the aforementioned 0 2475 acre tract, also being located on the South line of Lot 7, Block 1, of "Oak Park Subdivision", a subdivision in Williamson County, Texas, of record in Plat Cabinet B at Slide 65 of the Plat Records of Williamson County, Texas and being the Northwest corner of Tract 2 ,

THENCE N 58-15-42 E along the South line of the aforementioned Lot 7, Block 1, for a distance of 96 39 feet, to a point on the City of Austin limit line on the south line of the aforementioned Lot 7, Block 1, also being located on the North line of Tract 2 ;

THENCE N 76-41-55 E along the City of Austin limit line, for a distance of 19.33 feet, to a point on the East line of Tract 3 and being the Northeast corner of Subject Tract;

THENCE traveling , along the West side of the aforementioned 4.418 acre tract, for the following four (4) courses and distances :

1. S 34-45-32 E for a distance of 222 27 feet, to a nail, found, in cedar tree;
2. S 29-11-31 E for a distance of 146 83 feet, to an iron pin, set;
3. S 20-27-31 E for a distance of 75.96 feet, to an iron pin, found;
4. S 19-02-50 E for a distance of 26.68 feet, to the PLACE OF BEGINNING, containing 2 157 acres of land, more or less

I, JOSEPH ALLEN STEARNS, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO CERTIFY THAT THE COURSES, DISTANCES AND AREA WERE DETERMINED BY RECORD DEEDS AND SURVEY DATED 16<sup>TH</sup> DAY OF AUGUST, 2001 ARE TRUE AND CORRECT GIVEN UNDER MY HAND AND SEAL, THIS THE 22ND DAY OF FEBRUARY, 2006

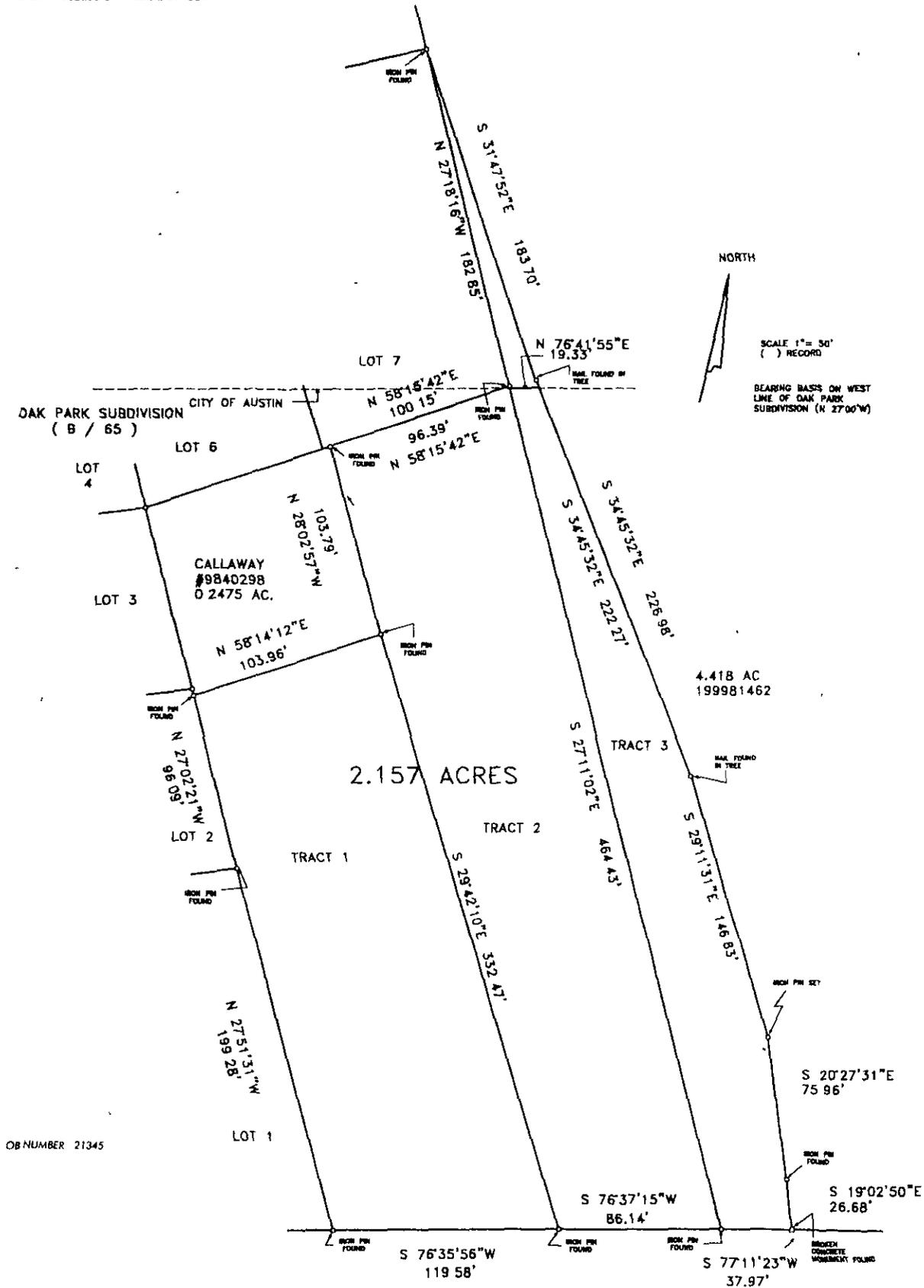
*Joseph Allen Stearns*

JOSEPH ALLEN STEARNS  
REGISTERED PROFESSIONAL LAND SURVEYOR / NO. 4990  
STEARNS AND ASSOCIATES, INC.  
11303 TEDFORD STREET / AUSTIN, TEXAS / 78753  
PHONE NUMBER (512) 836-0533

EXHIBIT A



LOCAL ADDRESS 15400 AND 15402 RM ROAD 620 NORTH REFERENCE NAME ALI BAHRAMI  
 LEGAL DESCRIPTION 2.157 ACRES OF LAND MORE OR LESS BEING OUT OF THE T.P. DAVY SURVEY, ABSTRACT NO. 169, IN WILLIAMSON COUNTY TEXAS  
 BEING FURTHER DESCRIBED AS A PORTION OF THREE (3) TRACTS OF LAND CONVEYED TO ALI M. BAHRAMI IN DOCUMENT NO. 2001067690 OF THE REAL  
 PROPERTY RECORDS OF WILLIAMSON COUNTY



F.M. NO. 620  
 100' ROW

